DETAILED ACTION

Response to Arguments

1. Applicant's arguments, see applicant's remarks, filed on 12/04/2009, with respect to the rejection(s) of claims 1-24, 27, and 28 under 35 U.S.C § 103(a) have been fully considered and are persuasive. Therefore, the rejection has been withdrawn. However, upon further consideration, a new ground(s) of rejection is made.

Claim Rejections - 35 USC § 103

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

3. Claims 1-3, 6, 10-14, 20-22 and 27-28 are rejected under 35 U.S.C. 103(a) as being unpatentable over Derango et al. (US PAT. 5,761,193 hereinafter, "Derango") in view of Ericsson, Motorola, Siemens, Nokia (User Requirements V1.1.1 (2003-10) hereinafter "Ericsson").

Consider claim 1, Derango teaches a user device capable of walkie-talkie-like functionality configured to participate in dispatch calls through a dispatch network, the user device being further configured to: obtain from the dispatch network a user device

specific set of at least one provision talkgroup identifier having a respective provisioned talkgroup identifier for each talkgroup provisioned for the user device (figs. 2-5 col. 3 lines 35-54 and col. 5 line 66 through col. 6 line 10).

Derango does not explicitly show that make information pertaining to the at least one provisioned talkgroup identifier available to a user of the user device, the at least one provisioned talkgroup identifier being maintained by the dispatch network.

In the same field of endeavor, Ericsson teaches make information pertaining to the at least one provisioned talkgroup identifier available to a user of the user device, the at least one provisioned talkgroup identifier being maintained by the dispatch network (page 11, paragraph 5.2).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to use, make information pertaining to the at least one provisioned talkgroup identifier available to a user of the user device, the at least one provisioned talkgroup identifier being maintained by the dispatch network, as taught by Ericsson, in order to provide in instant group talk one of the members of the group invute other user group members in the group to establish an instant group talk session.

Consider claims 2, 14, and 21, Derango e further teaches the user device is a wireless device (col. 3 lines 35-43).

Consider claim 3, Derango further teaches the information pertaining to the provisioned talkgroup identifiers is selected from a group consisting of: the provisioned talkgroup identifiers themselves (col. 3 lines 35-54); a respective corresponding name

for each provisioned talkgroup identifier (col. 3 lines 35-54); a combination of some of the provisioned talkgroup identifiers themselves and a respective corresponding name for some of the provisioned talkgroup identifiers (col. 3 lines 35-54).

Consider claim 6, Derango further teaches a user interface for receiving an input from a user requesting that the first message be transmitted, and in response to which input transmits the first message (col. 3 lines 35-54).

Consider claim 10, Derango further teaches at least one user device according to claim 2 in combination with the dispatch network configered to provide to each user device a respective provisioned talkgroup identifier for each talkgroup provisioned for the user device (col. 5 line 66 through col. 6 line 10).

Consider claim 11, Derango further teaches the dispatch network provides each user device the respective provisioned talkgroup identifiers in response to a request from the user device (col. 3 lines 35-54).

Consider claim 12, Derango further teaches in combination with the dispatch network configured to provide to the at least one user device the respective provisioned talkgroup identifier for each talkgroup provisional for the user device (col. 3 lines 35-54).

Consider claim 13, Derango teaches a dispatch network configured to provide dispatch services to user devices capable of walkie-talkie-like functionality, the dispatch network being configured to: maintain for each user device a user device specific set of at least one provision talkgroup identifier having a respective provisioned talkgroup identifier for each talkgroup provisioned for the user device (figs. 2-5 col. 3 lines 35-54 and col. 5 line 66 through col. 6 line 10).

Derango does not explicitly show that provide to each user device the user-device specific set of at least one provisioned talkgroup identifier upon an event other than talkgroup opt in.

In the same field of endeavor, Ericsson teaches provide to each user device the user-device specific set of at least one provisioned talkgroup identifier upon an event other than talkgroup opt in (page 11, paragraph 5.2).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to use, provide to each user device the user-device specific set of at least one provisioned talkgroup identifier upon an event other than talkgroup opt in, as taught by Ericsson, in order to provide in instant group talk one of the members of the group invute other user group members in the group to establish an instant group talk session.

Consider claim 20, Derango teaches a method of provisioned talkgroup discovery comprising: a user device capable of walkie-talkie-like functionality transmitting a request to a dispatch network (fig. 1 col. 1 line 12 through col. 2 line 5);

the dispatch network receiving the request and responding with a response containing a user device specific set of at least one provision talkgroup identifier having a respective provisioned talkgroup identifier for each talkgroup provisioned for the user device (figs. 2-5 col. 3 lines 35-54 and col. 5 line 66 through col. 6 line 10).

Derango does not explicitly show that the user device receiving the response and making the provisioned talkgroup identifiers available to a user of the user device.

In the same field of endeavor, Ericsson teaches the user device receiving the response and making the provisioned talkgroup identifiers available to a user of the user device (page 11, paragraph 5.2).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to use, the user device receiving the response and making the provisioned talkgroup identifiers available to a user of the user device, as taught by Ericsson, in order to provide in instant group talk one of the members of the group invute other user group members in the group to establish an instant group talk session.

Consider claim 22, Derango further teaches the user device receiving an input from a user in response to which input the request is transmitted (col. 1 lines 57-65).

Consider claim 27, Derango teaches the user device is configured to receive the user-device set of at least one provisioned talkgroup identifier upon an event other than talkgroup opt in (col. 5 line 66 through col. 6 line 10).

Consider claim 28, Derango further teaches the dispatch network is configured to provide the user-device set of at least one provisioned talkgroup identifier upon an cvtmt other than talkgroup opt in (col. 1 line 12 through col. 2 line 5).

4. Claims 5, 9 and 23-24 are rejected under 35 U.S.C. 103(a) as being unpatentable over Derango inview of Ericsson and further in view of Grube et al. (U.S PAT. 6,885,874 hereinafter "Grube").

Consider claim 5, Derango and Ericsson, in combination fails to teach the first and second messages are layer 3 messages.

However, Grube teaches the first and second messages are layer 3 messages (col. 8 lines 4-10).

Therefore, it is obvious to one of ordinary skill in the art at the time the invention was made to incorporate the disclosing of Grube into view of Derango and Ericsson, in order to provide a group of communication units engaged in dispatch voice calls to participate in a location sharing service according to different service levels.

Consider claim 9, Ericsson further teaches adapted to obtain from the network a respective provisioned talkgroup identifier for each talkgroup provisioned for the user device by automatically trying to join each of a plurality of talkgroups that could possibly be provisioned, and maintaining a record of which talkgroups were successfully joined (page 11, paragraph 5.2).

Consider claim 23, Derango and Ericsson, in combination fails to teach the request and response are sent using layer 3 messages.

However, Grube teaches the request and response are sent using layer 3 messages (col. 8 lines 4-10).

Therefore, it is obvious to one of ordinary skill in the art at the time the invention was made to incorporate the disclosing of Grube into view of Derango and Ericsson, in order to provide a group of communication units engaged in dispatch voice calls to participate in a location sharing service according to different service levels.

Consider claim 24, Grube further teaches the request is a registration request and the response is an enhanced registration accept message (col.14 lines 49-55).

5. Claims 7 and 16 are rejected under 35 U.S.C. 103(a) as being unpatentable over Derango in view of Ericsson and further in view of Stephen Valentine (European Patent No. EP 1 330 138 hereinafter “Valentine”).

Consider claim 7, Derango and Ericsson, in combination, fail to teach adapted to transmit the first message automatically upon being powered.

However, Valentine teaches adapted to transmit the first message automatically upon being powered (col. 7 lines 34-45).

Therefore, it is obvious to one of ordinary skill in the art at the time the invention was made to incorporate the disclosing of Valentine into view of Derango and Ericsson,

in order to provide a communication link in a radio communication system that supports a number of communication cells.

Consider claim 16, Valentine further teaches adapted to transmit a message containing the provisioned talkgroup identifier(s) to a given user device automatically upon power on of the given user device (col. 7 lines 34-45).

6. Claim 8 is rejected under 35 U.S.C. 103(a) as being unpatentable over Derango in view of Ericsson and further in view of Ericsson, Motorola, Siemens, Nokia companies (Technical Specification Architecture V1.1.1 (2003-10)).

Consider claim 8, Derango and Ericsson, in combination fail to teach a user device which is compliant with an iDEN.TM. standard.

However, Ericsson, Motorola, Siemens, Nokia companies teaches a user device which is compliant with an iDEN.TM. standard (page 11 section 5.1).

Therefore, it is obvious to one of ordinary skill in the art at the time the invention was made to incorporate the disclosing of Ericsson, Motorola, Siemens, Nokia companies into view of Derango and Ericsson, in order to provide user equipment containing the push to talk application client software over cellular phone.

7. Claims 17-19 are rejected under 35 U.S.C. 103(a) as being unpatentable over Derango in view of Ericsson and further in view of Wolf et al. (U.S PAT. 6,999,783 hereinafter “Wolf”).

Consider claim 17, Derango and Ericsson, in combination fail to teach a dispatch network comprising a dispatch controller, the dispatch server comprising: a D-HLR (dispatch-home location register) maintaining for each user device a respective list of provisioned talkgroup identifiers; and a DAP (dispatch application processor) adapted to process a first message from a particular user device to request the respective provisioned talkgroup identifier for each talkgroup provisioned for the user device to obtain the provisioned talkgroup identifiers from the D-HLR, and to transmit at least a second message containing the provisioned talkgroup identifier(s).

However, Wolf teaches a dispatch network comprising a dispatch controller, the dispatch server comprising: a D-HLR (dispatch-home location register) maintaining for each user device a respective list of provisioned talkgroup identifiers; and a DAP (dispatch application processor) adapted to process a first message from a particular user device to request the respective provisioned talkgroup identifier for each talkgroup provisioned for the user device to obtain the provisioned talkgroup identifiers from the D-HLR, and to transmit at least a second message containing the provisioned talkgroup identifier(s) (col. 3 lines 10-29).

Therefore, it is obvious to one of ordinary skill in the art at the time the invention was made to incorporate the disclosing of Wolf into view of Derango and Ericsson, in order to provide a prioritization of the multiple talkgroups.

Consider claim 18, Wolf further teaches at least one EBTS through which messages are routed between user devices and the dispatch application processor (col. 3 lines 10-29).

Consider claim 19, Wolf further teaches adapted to transmit a message containing the provisioned talkgroup identifier(s) to a given user device automatically whenever there has been a change in the provisioned talkgroup identifier(s) of the given user device (col. 9 lines 9-28).

Allowable Subject Matter

8. Claims 4 and 15 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Conclusion

9. Any response to this action should be mailed to:

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Commissioner for Patents

P.O. Box 1450

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Any inquiry concerning this communication or earlier communications from the examiner should be directed to TUAN H. NGUYEN whose telephone number is (571)272-8329. The examiner can normally be reached on 8:00Am - 5:00Pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Maung Nay A. can be reached on (571)272-7882882. The fax phone number for the organization where this application or proceeding is assigned is (571) 273-8300.

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/Tuan H. Nguyen/
Examiner
Art Unit 2618